

AMENDED IN SENATE JULY 13, 2011

AMENDED IN ASSEMBLY MAY 27, 2011

AMENDED IN ASSEMBLY MARCH 31, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 172

Introduced by Assembly Member Eng
(Principal coauthor: Assembly Member Gatto)
(Coauthors: Assembly Members Portantino and Solorio)
(Coauthor: Senator Leno)

January 20, 2011

An act to add Sections 11004.4, 11004.5, 11004.6, and 11004.7 to the Government Code, relating to state agencies.

LEGISLATIVE COUNSEL'S DIGEST

AB 172, as amended, Eng. State agencies: information: Internet Web site.

Existing law requires, subject to specific exemptions, public records to be open to public inspection.

This bill would require the California Technology Agency to create and maintain a Reporting Transparency in Government Internet Web site, as prescribed. It would require, subject to specific exemptions, state agencies to post specified audits to that Internet Web site, and would require the Department of General Services, the California Technology Agency, and other state agencies to post specified summary data regarding contracts awarded by the state to that Internet Web site. It would also require the office of the Governor to post specified financial statements and reports to that Internet Web site. The bill would exempt certain ~~constitutional~~ *state* officers from the requirement of

posting the information to the Reporting Transparency in Government Internet Web site, if that officer posts the required information to his or her official Internet Web site, as specified.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) Transparency is fundamental to promoting efficiency and
4 effectiveness in state government and strengthening the democratic
5 process by giving citizens enough information to reach their own
6 conclusions about how their tax dollars are being spent.

7 (b) Audits of state agencies and their operations can provide
8 objective and measurable performance reviews and identify and
9 correct inefficient or wasteful practices.

10 (c) Californians seeking information on state governmental
11 operations are often frustrated because a myriad of oversight
12 entities perform audits of state agencies, and the information can
13 be difficult to access due to the lack of an Internet Web-based,
14 central inventory of audits.

15 (d) Many internal audits that state agencies perform on their
16 own operations are finalized but never made public.

17 (e) Billions of dollars in state contracts are entered into each
18 year to purchase goods and services for the people of California,
19 and posting summary data regarding contracts on the Internet is
20 an effective way to help ensure that taxpayers are getting the best
21 value and that services are being provided in an efficient manner.

22 (f) The Legislature's continuing commitment to promoting
23 transparency in state government is especially critical while
24 California's economy continues to struggle.

25 SEC. 2. Section 11004.4 is added to the Government Code, to
26 read:

27 11004.4. (a) The California Technology Agency, or its
28 successor, shall create and maintain a Reporting Transparency in
29 Government Internet Web site for the purposes described in
30 Sections 11004.5, 11004.6, and 11004.7.

31 (b) In addition to the information required pursuant to Sections
32 11004.5, 11004.6, and 11004.7, the Reporting Transparency in

1 Government Internet Web site shall also include instructions for
2 the public that describe how a person may obtain more detailed
3 information for a contract.

4 (c) (1) Neither the Lieutenant Governor, nor the Attorney
5 General, Secretary of State, Treasurer, *Insurance Commissioner*,
6 or Controller is required, pursuant to Sections 11004.5 and 11004.6,
7 to post information to the Reporting Transparency in Government
8 Internet Web site, if that officer posts the information required by
9 those sections on his or her official Internet Web site.

10 (2) If the officer, acting pursuant to paragraph (1), determines
11 that information in a contract is exempt from disclosure pursuant
12 to the California Public Records Act (Chapter 3.5 (commencing
13 with Section 6250) of Division 7 of Title 1), then the officer shall
14 post the following information on his or her official Internet Web
15 site:

16 (A) The contract number.

17 (B) The phrase “CPRA exemption claimed.”

18 (C) Other identifying information sufficient to enable a person
19 to submit a request for the information pursuant to the California
20 Public Records Act, for purposes of testing the exemption claimed
21 for the information.

22 (3) If an officer listed in paragraph (1) chooses, pursuant to this
23 subdivision, to post the required information to his or her official
24 Internet Web site, then the Secretary of California Technology
25 shall provide a clearly labeled link to that Internet Web site on the
26 Reporting Transparency in Government Internet Web site.

27 SEC. 3. Section 11004.5 is added to the Government Code, to
28 read:

29 11004.5. (a) On or before February 15, 2012, a state agency
30 shall post to the Reporting Transparency in Government Internet
31 Web site every audit of its operations finalized from January 1,
32 2009, to December 31, 2011, inclusive.

33 (b) Within 15 calendar days of finalization, a state agency shall
34 post to the Reporting Transparency in Government Internet Web
35 site every audit of its operations finalized from January 1, 2012,
36 and forward.

37 (c) For purposes of this section, “audit” shall mean any review
38 or evaluation performed by a state agency on itself, or on the state
39 agency by another entity, including, but not limited to, the Bureau
40 of State Audits, the Controller, the Department of Finance, a federal

1 agency with oversight responsibility of the operations of the state
2 agency, or any nongovernmental organization that monitors or
3 oversees the state agency and that has received public funds.

4 (d) The Department of General Services and the California
5 Technology Agency shall assist a state agency in complying with
6 the requirements of this section.

7 (e) This section shall not require the posting of information
8 contained in an audit, including, but not limited to, the identity of
9 any undisclosed expert consultant, that is confidential pursuant to
10 a court order, the attorney-client privilege, or the attorney work
11 product exception; or information that, if posted, would jeopardize
12 peace officer safety, criminal intelligence information, ongoing
13 investigatory activities, or any security procedure; or any
14 information the disclosure of which is prohibited by law. Nothing
15 in this section shall be construed to limit the rights of the public
16 to access information pursuant to the California Public Records
17 Act (Chapter 3.5 (commencing with Section 6250) of Division 7
18 of Title 1), or Section 3 of Article I of the California Constitution.
19 Any information withheld from posting shall be replaced with the
20 phrase, "CPRA exemption claimed."

21 SEC. 4. Section 11004.6 is added to the Government Code, to
22 read:

23 11004.6. (a) On or before February 15, 2012, the Department
24 of General Services and the California Technology Agency shall
25 post summary data regarding any contract awarded by the state on
26 or after March 31, 2010, valued at five thousand dollars (\$5,000)
27 or more to the Reporting Transparency in Government Internet
28 Web site. For purposes of this section, summary data regarding a
29 contract shall include, but not be limited to, all of the following:

- 30 (1) The department name.
- 31 (2) The contract or order number.
- 32 (3) The total price.
- 33 (4) The contract start and termination dates.
- 34 (5) The supplier name.
- 35 (6) Any special instructions.
- 36 (7) The supplier classification codes.
- 37 (8) The acquisition type.
- 38 (9) The acquisition method.
- 39 (10) The item total.
- 40 (11) The quantity.

1 (12) The description.

2 (13) The classification codes.

3 (b) Within 15 calendar days of signing by all parties to the
4 contract, a state agency shall post to the Reporting Transparency
5 in Government Internet Web site summary data regarding any
6 contract it awarded from January 1, 2012, and forward that is
7 valued at five thousand dollars (\$5,000) or more.

8 (c) The Department of General Services and the California
9 Technology Agency shall assist a state agency in complying with
10 the requirements of this section.

11 (d) This section shall not require the posting of information in
12 a contract, including, but not limited to, the identity of any
13 undisclosed expert consultant, that is confidential pursuant to a
14 court order, the attorney-client privilege, or the attorney work
15 product exception; or information that, if posted, would jeopardize
16 peace officer safety, criminal intelligence information, ongoing
17 investigatory activities, or any security procedure; or any
18 information the disclosure of which is prohibited by law. Nothing
19 in this section shall be construed to limit the rights of the public
20 to access information pursuant to the California Public Records
21 Act (Chapter 3.5 (commencing with Section 6250) of Division 7
22 of Title 1), or Section 3 of Article I of the California Constitution.
23 Any information withheld from posting shall be replaced with the
24 phrase, "CPRA exemption claimed."

25 SEC. 5. Section 11004.7 is added to the Government Code, to
26 read:

27 11004.7. The office of the Governor shall post every statement
28 of economic interest and travel and expense report of its senior
29 staff and deputies, agency secretaries and undersecretaries, and
30 department directors to the Reporting Transparency in Government
31 Internet Web site.